

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JUAN LUIS HERNANDEZ VAZQUEZ
SANDRA MILAGROS RIVERA MARTINEZ
DEBTOR(S)

CASE NO. 23-01321-MCF
CHAPTER 13

TRUSTEE'S REPORT ON CONFIRMATION

1. The applicable commitment period (years) is: 3
2. The liquidation value of the estate is :\$ to be determined
3. The general unsecured pool is :\$ 0.00

AMENDED PLAN DATE: July 12, 2023

PLAN BASE: \$85,700.00

TRUSTEE'S REPORT ON CONFIRMATION DATED: 7/18/2023

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FAVORABLE

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UNFAVORABLE

1. [X] FEASIBILITY 11 USC § 1325(a)(6):

a) Counsel informed at the meeting of creditors that debtor's commission from his realtor activities were not received and the amount of \$1,900.00 of Schedule I needs to be reviewed. So far debtor is receiving income from Windmar Home in the form of commissions. Amended Schedule still pending to be filed in order to delete the expected realtor commission of \$1,900.00 and include only Windmar Home income. b) Debtor only provided pay stubs from Windmar Home, and per his averments he did not have this income at some point this year, in order to review feasibility, debtor is to provide bank statements from all bank accounts from the 6 months prior to the filing of the case up to June 2023. c) Provide evidence of having \$981.00 mortgage payments. If not paid to creditor, then that debtor has the available monies to pay mortgage. d) Per pay stubs submitted prior petition, the average gross income is \$1,416.55 vs \$1,900 disclosed in Schedule I. Trustee note that the debtor only included the projected income from the commission as realtor and not Windmar Home.

2. [X] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):

Debtor is asked about the following missing pay stubs: 1/20/2023, 3/17/2023, 3/24/2023, 3/31/2023, 4/7/2023, 4/14/2023, 4/21/2023 and 4/28/2023

3. [X] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):

Debtor is to provide recent comparable for real property. While he stated that 2 real properties near his home were sold recently, these were sold at auction and don't reflect the reality of the market. In addition, debtor made fixtures to his home during the years and his property has a pool which others do not.

4. [X] FAILS SECTION 1325(a)(9):

• IRS Tax Returns: Trustee received from debtor a certificate of mailing related to documents sent to IRS. Debtor should file said certification to the court with a motion specifying which tax (es) return(s) is(are) related to said certificate of mailing. Debtor only provide the copies of 1040 -PR for years 2019, 2020 and 2022. Missing evidence of being filed 1040-PR 2019 to 2022.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

/s/ Pedro R Medina
Pedro R Medina

Atty: ROBERTO FIGUEROA

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